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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,047	01/08/2002	James C. Colson	AUS920010709US1	4470

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DILLION & YUDELL LLP
8911 NORHT CAPITAL OF TEXAS HIGHWAY
SUITE 2110
AUSTIN, TX 78759

EXAMINER

HANNE, SARA M

ART UNIT	PAPER NUMBER
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2179

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/042,047

Applicant(s)

COLSON ET AL.

Examiner

Sara M Hanne

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the amendment received on October 19, 2004.
Amended Claims 1-24, 27-32 and 35-40 and originally presented claims 25-26, 33-34 and 40-42 are pending in the application.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 13-18 and 35-42 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. A program to perform the method is non-statutory as not being tangible. The claims should be amended to be executed on a tangible medium.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 6, 12 and 18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed,

had possession of the claimed invention. The specification fails to support a "higher priced enhancement" for display of "only a non-text image".

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 2, 3, 5, 6, 8, 9, 11, 12, 14, 15, 17, 18, 20, 21, 28, 29, 36 and 37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims continuously recite the limitation "prices". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-3, 7-9, 13-15, 19-23, 25-31, 33-39 and 41-42 rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell, US Patent 6701350, and further in view of Shore et al., US Patent 6564193, hereinafter Shore.

As in Claims 1, 7, 13, 19, 27 and 35, Mitchell teaches a method, system and computer program product for requesting, from a user device a single web page's content from a network content server (URL request, 204 Fig.2, 404, Fig. 4), displaying

on the user device multiple enhancement options from the server to view the single web page's content (several sections are shown that are capable of being suppressed Fig. 3 with corresponding text), selecting, at the user device, an enhancement option (Fig. 3, ref. 306 with corresponding text), receiving, at the user device, a requested content from the single web page according to the selected enhancement option wherein the requested content is less than all of the single web page (Fig. 4, ref. 410) and displaying on the user device the requested content from the single web page (Fig. 4, ref. 412). While Mitchell teaches removal of portions of a single web page according to a user selected option, they fail to show the viewing the single web page's content for a cost via a billing server, wherein there are multiple options each with different costs as recited in the claims. In the same field of the invention, Shore teaches a web interface for allowing the user to decide how much web page data to include similar to that of Mitchell. In addition, Shore further teaches viewing the single web page's content for a cost via a billing server, wherein there are multiple options each with different costs (See Fig. 19-20 with corresponding text). It would have been obvious to one of ordinary skill in the art, having the teachings of Mitchell and Shore before him at the time the invention was made, to modify the removal of portions of a single web page according to a user selected option taught by Mitchell to include the viewing the single web page's content for a cost via a billing server, wherein there are multiple options each with different costs of Shore, in order to obtain a method for viewing part of a web page according to a selected cost-based option. One would have been motivated to make such a combination because a way for the user to display a minimal amount of a web

page for a cost would have been obtained and a way to pay for web space without using funding from a third party, as taught by Shore.

As for Claims 2, 8, 14, 20, 28 and 36, Mitchell in combination with Shore disclose requesting a single web page, displaying differently priced enhancement options pertaining to a portion of the single web page, selecting an option, retrieving and displaying the corresponding portion of the single web page (See Claim 1 rejection *supra*). In addition, Mitchell further teaches the enhancement options are based on removal of advertisements (Col. 3, lines 12-19). Mitchell fails to teach the enhancement options to be priced based on this removal of content. In the same field of the invention, Shore teaches a web interface for allowing the user to decide how much web page data to include similar to that of Mitchell. In addition, Shore further teaches prices of enhancement options based on whether the user decides to accept inclusion of an advertisement with the web page content (Figure 20 with corresponding text). It would have been obvious to one of ordinary skill in the art, having the teachings of Mitchell and Shore before him at the time the invention was made, to modify the removal of portions of a single web page according to a user selected option taught by Mitchell to include the viewing the single web page's content for a cost via a billing server, wherein there are multiple options each with different costs of Shore, in order to obtain a method for viewing part of a web page according to a selected cost-based option. One would have been motivated to make such a combination because a way for the user to be adequately charged for displaying a desired portion of a web page and a way for the user to pay for web space, usually sponsored by funding from third party

advertisements, if display of the advertisements are not desired by the user would have been obtained, as taught by Shore.

As in Claims 3, 9, 15, 21, 29, and 37, Mitchell in combination with Shore disclose requesting a single web page, displaying differently priced enhancement options pertaining to a portion of the single web page, selecting an option, retrieving and displaying the corresponding portion of the single web page (See Claim 1 rejection *supra*). Mitchell in combination with Shore fail to teach an offer based on an age of the web page content as recited in the claims. Within the field of the invention, it would have been obvious to one of ordinary skill in the art, to modify the web-site pricing and viewing process taught by Mitchell in combination with Shore to include payment options based on age of the web-site. One would have been motivated to make such a combination because dynamic billing method for rating data based on it's age would have been obtained. For example, the age of the data (website) may be less valuable or in lower demand, and therefore should be cheaper or vice versa.

As in Claims 22, 30 and 38, Mitchell teaches multiple enhancement offers are defined by a non-URL descriptive portion of a script header to the web page content (Col. 4, lines 45 et seq.).

As in Claims 23, 31 and 39, Mitchell teaches an XML script in the header and parsing the script from the script header to generate at the user device a display of the multiple enhancement offers (Col. 2, line 60 et seq.).

As in Claims 25, 33 and 41, Mitchell teaches the network content server is on the Internet (web, ref. 208 and Col. 1, line 31).

As in Claims 26, 34 and 42, Mitchell in combination with Shore disclose requesting a single web page, displaying differently priced enhancement options pertaining to a portion of the single web page, selecting an option, retrieving and displaying the corresponding portion of the single web page (See Claim 1 rejection *supra*). Mitchell fails to explicitly teach a billing server. In the same field of the invention, Shore teaches a web interface for allowing the user to decide how much web page data to include similar to that of Mitchell. In addition, Shore further teaches the billing server and the network content server are the same device (any of the web servers 20a-c act as billing servers, see corresponding text). It would have been obvious to one of ordinary skill in the art, having the teachings of Mitchell and Shore before him at the time the invention was made, to modify the removal of portions of a single web page according to a user selected option taught by Mitchell to include the viewing the single web page's content for a cost via a billing server as part of the network server, wherein there are multiple options each with different costs of Shore, in order to obtain a method for viewing part of a web page according to a selected cost-based option generated by the network server. One would have been motivated to make such a combination because a way for the server to implement a charging method for displaying a user-desired portion of a web page and a way for the user to pay for web space, usually sponsored by funding from third party advertisements, if display of the advertisements are not desired by the user would have been obtained, as taught by Shore.

9. As in Claims 4-5, 10-11, 16-17, 24, 32 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell, US Patent 6701350, and Shore et al., US Patent 6564193, hereinafter Shore, and further in view of Nicolas et al., US Patent 6593944, hereinafter Nicolas.

As in Claims 4, 10, 16, 24, 32 and 40, Mitchell in combination with Shore disclose requesting a single web page, displaying differently priced enhancement options pertaining to a portion of the single web page, selecting an option, retrieving and displaying the corresponding portion of the single web page (See Claim 1 rejection *supra*). Mitchell in combination with Shore fail to teach web page content displayed on a PDA as recited in the claims. In the same field of the invention, Nicolas teaches a web page display mechanism similar to that of Mitchell and Shore. Nicolas further teaches the client receiving the web page on a PDA (Col. 5, lines 60 et seq.). It would have been obvious to one of ordinary skill in the art, having the teachings of Mitchell, Shore and Nicolas before him at the time the invention was made, to modify the requesting of a single web page, displaying differently priced enhancement options pertaining to a portion of the single web page, selecting an option, retrieving and displaying the corresponding portion of the single web page taught by Mitchell in combination with Shore to include the PDA implementation of Nicolas, in order to obtain PDA access and retrieval of portions of a webpage selectable according to pricing options. One would have been motivated to make such a combination because a a billable Internet interface to optionally charge for web page access for minimizing the

amount of data presented due to limited space would have been obtained, as taught by Nicolas (Col. 1, line 53 et seq.).

Furthermore as in Claims 5, 11, 17, Mitchell in combination with Shore teaches the prices of the enhancement option are based on what percentage of the single web page is displayed on the user device (see claim rejections *supra*). Mitchell in combination with Shore fail to teach web page content displayed on a PDA wherein a choice of what percentage of the single page is displayed is dependent on the size of the PDA's limited sized display as recited in the claims. In the same field of the invention, Nicolas teaches a web page display mechanism similar to that of Mitchell and Shore. In addition, Nicolas further teaches the web page content displayed on a PDA wherein a choice of what percentage of the single page is displayed is dependent on the size of the PDA's limited sized display (Col. 2, line 40 et seq.). It would have been obvious to one of ordinary skill in the art, having the teachings of Mitchell in combination with Shore before him at the time the invention was made, to modify the requesting of a single web page, displaying differently priced enhancement options pertaining to a portion of the single web page, selecting an option, retrieving and displaying the corresponding portion of the single web page taught by Mitchell in combination with Shore to include the choice of what percentage of the single page is displayed is dependent on the size of the PDA's limited sized display of Nicolas, in order to obtain user selection, according to display size, of a different priced enhancement options, priced according of percentage of the web page displayed. One would have been motivated to make such a combination because user customizable interface for web

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page viewing on small display screens would have been obtained, as taught by Nicolas (Col. 2, lines 15-31).

Response to Arguments

Applicant's arguments filed October, 19 2004 with respect to claims 1-42 have been considered but are moot in view of the new ground(s) of rejection (*supra*).

The claims, as presented are confusing in that they do not specifically point out what is meant by "enhancement options". The term 'enhance' means to make greater or to augment. However, the amendment to the claims states "requested content is less than all of the single web page".

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara M Hanne whose telephone number is (571) 272-4135. The examiner can normally be reached on M-F 7:30am-4:00pm, off on alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

smh


BA HUYNH
PRIMARY EXAMINER